

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1054

AN ACT to amend the Indiana Code concerning utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 8-10-5-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 17. (a) The board of directors of any port authority may, by resolution, recommend to any municipal corporation or county that a cumulative channel maintenance fund be established under IC 6-1.1-41 to provide funds for the:

- (1) dredging of channels;
- (2) cleaning of channels and shores of debris and any other pollutants; and providing or repairing
- (3) purchase, renovation, construction, or repair of bulkheads, pilings, docks, and wharves; and the
- (4) purchase and development of land adjoining channels within the jurisdiction of the port authority and which land is necessary to the fulfillment of the plan adopted by the port authority for the future development, construction, and improvement of its facilities. The purchased and developed land shall be available to the residents of the taxing district without further charge; or
- (5) regulation and enforcement of regulation of all uses and activities related to waters that are under the jurisdiction of the port authority.

(b) To provide for the cumulative channel maintenance fund:

- (1) a county, city, or town fiscal body may levy a tax in

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compliance with IC 6-1.1-41 not to exceed three and thirty-three hundredths cents (\$0.0333) on each one hundred dollars (\$100) on all taxable property within the county, town, or city; **and**
(2) a city described in sections 22(a) and 23(a) of this chapter may impose the following:

(A) An annual docking fee under section 22 of this chapter.

(B) A marina launch fee under section 23 of this chapter.

(c) The revenue from a tax, ~~when collected~~, an annual docking fee, or a marina launch fee collected under subsection (b) shall be held in a special fund to be known as the cumulative channel maintenance fund established under subsection (a).

SECTION 2. IC 8-10-5-22, AS AMENDED BY P.L.170-2002, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 22. (a) This section applies to a city ~~having a population of more than thirty-two thousand eight hundred (32,800) but less than thirty-three thousand (33,000): that:~~

(1) creates; or

(2) participates in the creation of;

a port authority created under this chapter that includes a channel that is ordinarily navigable to Lake Michigan.

(b) The fiscal body of a city described in subsection (a) may impose an annual docking fee upon each watercraft that is docked for more than twenty-nine (29) days during a year in waters that are under the jurisdiction of a port authority under this chapter.

(c) ~~A~~ An annual docking fee imposed under this section shall be:

(1) not more than seventy-five cents (\$0.75) per foot for watercraft of thirty (30) feet or less; and

(2) not more than one dollar and fifty cents (\$1.50) per foot for watercraft over thirty (30) feet.

(d) A marina, dock, or port:

(1) located on waters that are under the jurisdiction of a port authority created by a city under this chapter; and

(2) where a watercraft is docked;

shall collect the annual docking fee imposed on the watercraft under this section. Not later than the fifteenth day of each month, each marina, dock, or port shall remit to the city fiscal officer the amount of fees collected under this section during the immediately preceding month.

(e) Annual docking fees ~~collected~~ imposed under this section by a city described in subsection (a) shall be deposited in the cumulative channel maintenance fund established under section 17 of this chapter. and shall be used only to pay for dredging.

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(f) Upon collecting an annual docking fee imposed on a watercraft under this section, a marina, dock, or port shall issue to the owner of the watercraft a decal that indicates the year for which the fee under this section has been paid.

(g) The decal issued under subsection (f) must be displayed on the watercraft during the year for which the decal is issued. A watercraft that displays a valid annual docking fee decal under this subsection is not subject to:

- (1) annual docking fees imposed at other marinas, docks, or ports under this section; and
- (2) marina launch fees imposed under section 23 of this chapter.

(h) The general assembly finds that in port authorities that include a channel that is ordinarily navigable to Lake Michigan there exist unique problems related to necessary dredging and cleaning of channels used by boats that operate on the Great Lakes. These unique problems may be alleviated by the authorization of a docking fee under this section.

SECTION 3. IC 8-10-5-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 23. (a) The fiscal body of a city that creates or participates in the creation under this chapter of a port authority that includes a channel that is ordinarily navigable to Lake Michigan may impose a marina launch fee for a watercraft that is launched from a marina, dock, or port located on waters that are under the jurisdiction of the port authority created by the city.

(b) The owner of a watercraft subject to a fee under this section shall pay one (1) of the following:

- (1) A launch fee of one dollar (\$1) per launch.
- (2) An annual marina launch fee of:
 - (A) seventy-five cents (\$0.75) per foot for a watercraft of thirty (30) feet or less in length; or
 - (B) one dollar and fifty cents (\$1.50) per foot for watercraft over thirty (30) feet in length.

(c) A marina, dock, or port:

- (1) located on waters that are under the jurisdiction of a port authority created by a city under this chapter; and
- (2) from which a watercraft is launched;

shall collect the marina launch fee imposed on the watercraft under this section. Not later than the fifteenth day of each month, each marina, dock, or port shall remit to the city fiscal officer the amount of fees collected under this section during the immediately

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preceding month.

(d) The marina launch fees imposed under this section by a city described in subsection (a) shall be deposited in the cumulative channel maintenance fund established under section 17 of this chapter.

(e) Upon collecting a fee under this section, a marina, dock, or port shall issue to the person who owns the watercraft:

- (1) a paper permit that indicates the day for which the fee was paid, in the case of a one (1) time marina launch fee; or
- (2) a decal that indicates the year for which the fee was paid, in the case of an annual marina launch fee.

(f) The decal or permit issued under subsection (e) must be displayed on the watercraft during the period for which the decal or permit is issued. A watercraft that displays a valid annual marina launch decal or permit under this subsection is not subject to an annual watercraft docking fee imposed under section 22 of this chapter.

(g) The general assembly finds that in port authorities that include a channel that is ordinarily navigable to Lake Michigan there exist unique problems related to necessary dredging and cleaning of channels used by boats that operate on the Great Lakes. These unique problems may be alleviated by the authorization of a launch fee under this section.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Approved: _____

Governor of the State of Indiana

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HEA 1054 — Concur+

